IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1947 of 2005

Between:

K.N. Reddy, S/o. Janga Reddy,
E.No. 251960, Karthal Village,
Amangal Mandal, Mahabubnagar District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Picket Bus Depot, Picket, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the Proceedings No. 01/2(1)05-PKT, dated 19-1-2005 is illegal, arbitrary and unjust, and consequently set aside the Proceedings No. 01/2(1)05-PKT, dated 19-1-2005 issued by the respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent: MR.V.T.M.PRASAD, S.C. for APSRTC.

The Court made the following :

ORAL ORDER:

This writ petition is filed challenging the Proceedings No.01/2(1)/05-PKT, dated 19.1.2005 passed by the respondent.

The petitioner was suspended from service on the ground that he caused a fatal accident on 24.12.2004 at about 21.00 hours resulted in the death of one pedestrian.

The learned counsel for the petitioner has contended that the accident took place while the pedestrian was crossing the road but not due to rash and negligent act of the petitioner and therefore, the impugned order is liable to be set aside.

On the other hand, the learned standing counsel for the respondent has contended that it is only a suspension pending enquiry and the jurisdiction of the authority who passed the suspension order is not under challenge. Therefore, there are no grounds to interfere with the impugned proceedings.

By the impugned proceedings, the petitioner was placed under suspension by the Depot Manager on the ground that he caused a fatal accident on 24.12.2003. The jurisdiction of the Depot Manager is not under challenge. Whether the accident was caused due to rash and negligent driving of the petitioner or due to negligence of the pedestrian are required to be enquired into by the department. Therefore, on that ground, suspension order cannot be set aside.

Therefore, the writ petition is disposed of with a direction to the respondent to complete the departmental enquiry within a period of two months from the date of receipt of a copy of this order. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

8th February, 2005.

bcj

To

1. The Depot Manager, APSRTC, Picket Bus Depot, Picket, Secunderabad.

2. Two C.D. copies.